

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE
ENERGY, LLC, a Delaware limited liability
company,

Plaintiff,

v.

VICTORY ENERGY
OPERATIONS, LLC, a Delaware limited
liability company,

Defendant.

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: CIVIL ACTION
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: NO. 04-CV-325 (ERIE)
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: Judge Sean J. McLaughlin
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ORDER

AND NOW, this _____ day of _____, 2008, upon
consideration of Plaintiff's Motion to Enforce Settlement Agreement, and any response thereto,
it is hereby ORDERED that the Motion is GRANTED as follows:

1. The audits pursuant to the parties' Settlement Agreement shall occur on the premises of VEO in a location that provides the auditors reasonable access to the information necessary to conduct the audit.
2. With respect to the audit of drawings, VEO shall provide to the independent auditor all drawings requested by the independent auditor in order to conduct the audit. The auditor shall agree to the confidentiality of all documents reviewed, and will not advise IKE of the contents of those documents unless he determines that VEO has failed to comply with the terms of the Settlement Agreement.
3. With respect to the audit of the VEO source code, VEO shall provide Mr. Bradwell with a computer with the applicable software installed, fully functional, and an engineer proficient in its use. The computer must have the source code installed so that all logic and data files used in the operation of the program are readily accessible. The capability to print sections of the source code must be provided. Mr. Bradwell is permitted to perform calculations, or ask the engineer to perform the calculations,

using the system with various input parameters. VEO shall provide Mr. Bradwell with all documents reasonably necessary for him to confirm that the program supplied is the same program utilized by VEO in its day to day operations. Mr. Bradwell will agree to the confidentiality of the review and will agree not to utilize any information from the VEO source code outside of this audit.

BY THE COURT:

McLaughlin, J.